

MEMO ENDORSED

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DATE FILED: 4/22/24

April 19 2024

Via ECF and E-Mail

Hon. Andrew L. Carter
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Barend Oberholzer*, 1:21-cr-00475-ALC

Dear Judge Carter:

Mr. Oberholzer, by and through defense counsel, respectfully requests a two-week adjournment of his self-surrender date in order to allow the Bureau of Prisons (“BOP”) to consider his request for re-designation to a facility closer to his home and his family. As the Court is aware, Mr. Oberholzer was designated yesterday. Despite judicial recommendation for a facility near his family, Mr. Oberholzer was designated to FCI Sheridan in Oregon, 972 miles from his home in Thousand Oaks, CA. Mr. Oberholzer retained a prison facilitator, Prison Professors, who advised that he file the attached letter with the BOP requesting re-designation. Mr. Oberholzer is informed by his prison facilitator that the BOP typically takes two weeks to consider these re-designation requests.

For these reasons Mr. Oberholzer seeks an additional extension. Pretrial Services takes no position on this application. The government opposes this application.

On April 17, 2024, Mr. Oberholzer submitted a letter to the court requesting an adjournment of surrender in order to give the BOP time to designate him. This request was withdrawn on April 18, 2024 once defense counsel learned that Mr. Oberholzer had been designated.

Attached to this letter, Your Honor will find a letter from Mr. Oberholzer to the BOP requesting consideration of his re-designation as well as a copy of his transmittal letter to the BOP.

By way of background, on January 16, 2024, the Court sentenced Mr. Oberholzer to a term of imprisonment of 15 months and set March 22, 2024 as the date for his self-surrender. On

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March 18, 2024 Your Honor granted Mr. Oberholzer's request for an extension moving the surrender date to Monday, April 22, 2024.

* * *

We thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ Ryan P. Poscablo

Ryan P. Poscablo, Esq.

cc: Jilan Kamal, Esq., Assistant United States Attorney (by ECF)
Dominique Jackson, Pretrial Services (by email)

The application is **GRANTED**. The surrender date is adjourned to May 13, 2024.

So Ordered:



Hon. Andrew L. Carter, Jr. 4/22/24

04/19/2024

Barend Oberholzer

Thousand Oaks, CA
91361

Federal Bureau of Prisons
Designation & Sentence Computation Center
U.S. Armed Forces Reserve Complex
346 Marine Forces Drive
Grand Prairie, TX 75051

BOP-CPD-DSC-PolicyCorrespondence-S@bop.gov

WXR-ExecAssistant-S@bop.gov

**BAREND OBERHOLZER – REDESIGNATION REQUEST – REGISTER NUMBER
31226-509**

Dear Redesignation Department:

Per Policy Statement 5100.08, CN-1, INMATE SECURITY DESIGNATION and CUSTODY CLASSIFICATION, I request a redesignation to FCI Lompoc to serve my 15 month sentence.

I live in Thousand Oaks, California currently and have lived in this area for years prior to my arrest and pending self-surrender date. I intend to return to my home in Thousand Oaks and live with my wife and two young children upon my release. I have a strong supportive family and they wish to visit me throughout the duration of my incarceration. Family support is critical to rehabilitation and minimizing the trauma to the family especially my two young children. FCI Lompoc is approximately 97 miles from my residence and my family could travel by car for frequent visitation.

I am currently designated to FCI Sheridan in Oregon which is over 972 miles from my home and my family. Without a redesignation I would not be able to see my family as air travel is not affordable and to drive this distance would take over 17 hours. FCI Lompoc is 97 miles from my release residence, and Lompoc was the institution recommended by my sentencing Judge.

In accordance with Director FBOP Kathleen Hawk Sawyer the below policy statement outlines the support of my request to be designated closer to my home where I will be released. Further, I

will have less than 15 months to serve and would need to be closer to home to properly transition into halfway house or home confinement prior to my release to supervised probation.

Inmate Security Designation and Custody
Classification

/s/

Approved: Kathleen Hawk Sawyer
Director, Federal Bureau of Prisons

This Change Notice (CN) implements the following changes to Program Statement 5100.08, Inmate Security Designation and Custody Classification, dated September 12, 2006, in light of the FIRST STEP Act.

The Bureau of Prisons shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the

prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau

of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence.

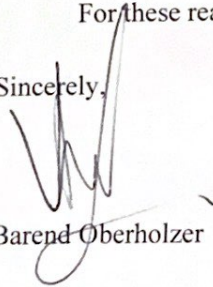
Statement of Kathleen Hawk Sawyer Director, Federal Bureau of Prisons Before the Committee
on the Judiciary United States Senate November 19, 2019

"Designating inmates within 500 miles of their release residence when possible – consistent with safety, security, capacity, and inmate programming and health care needs – has long been our policy. Designation to facilities close to an inmate's release residence is important in supporting family and community ties, as well as facilitating reentry needs, and we remain committed to those placements whenever possible."

I am a minimum-security risk, I have no prior criminal history and I have two young children who need the support of their father as mentioned during my sentencing hearing.

For these reasons, I request to be designated to FCI Lompoc as soon as possible.

Sincerely,


Barend Oberholzer

From: Barry Oberholzer <barryoberholzer@icloud.com>
Sent: Friday, April 19, 2024 10:02 AM
To: BOP-CPD-DSC-PolicyCorrespondence-S@bop.gov; WXR-ExecAssistant-S@bop.gov; ksawyer@bop.gov
Cc: Poscablo, Ryan; Dupre, Joshua; D'Iorio, Anthony
Subject: [EXTERNAL] Barend Oberholzer - Redesignation Request Register Number 31226-509 - URGENT
Attachments: Barend oberholzer 31226-509 Redesignation.pdf

Dear Redesignation Department and Director Kathleen Hawk Sawyer,

Please find attached my redesignation request. I am due to surrender on Monday, April 22, 2024 to FCI Sheridan which is 972 miles from my home.

Your prompt attention to my redesignation will be much appreciated.

Barend Oberholzer